



DEPARTMENT OF ENVIRONMENTAL RESOURCES
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Bill Brattain
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670

VIA FAX AND EMAIL, 2/20/09, followed by USPS

**RE: COMMENTS ON TENTATIVE REVISED WASTE DISCHARGE
REQUIREMENTS, GEER ROAD LANDFILL**

Dear Mr. Brattain:

Thank you for the opportunity to comment on the *Tentative Waste Discharge Requirements and Monitoring and Reporting Program for Stanislaus County for Operation of the Geer Road Class III Landfill and its Post-closure Maintenance and Corrective Action*. As the Discharger responsible for this facility and for compliance with all applicable agency requirements and orders, we hope the RWQCB will accept the following comments so that the proposed Order is both correct and has attainable requirements and deadlines. The comments are listed by either Waste Discharge Requirements (WDRs) or Monitoring and Reporting Program (MRP) and the applicable section and paragraph, along with recommendations for modification of the paragraphs.

WDR Findings: We were unable to find a section providing the stated intent of the proposed Order. In addition, the proposed Order includes additional requirements and deadlines for groundwater investigations and related reports which were not included within Order No. 5-00-087.

Recommendation: If the Order will contain additional requirements for studies and reports not included in the current WDRs, then that intent should be clearly stated.

WDR Site Description ¶ 11: This paragraph incorrectly states that there are three (3) groundwater supply wells east of the landfill (Pinewood Meadows Mobile Home Park) for a total of five (5) nearby. It is our understanding that historically there were three wells at the Park but the third was abandoned and destroyed several years ago. In addition, for clarification the second well on the Streeter property is referred to as an ag/domestic well.

Recommendation: Revise this section to reflect that there are four (4) groundwater supply wells near the landfill, and that the fourth is an ag/domestic versus strictly a domestic well.

WDRs Groundwater Monitoring and Corrective Action ¶ 19: This paragraph states that there are 23 groundwater monitoring wells in the shallow groundwater zone. Our records indicate that there are 22 such wells.

Recommendation: Correct the number of shallow wells so that it accurately reflects that there are 22.

WDRs Groundwater Monitoring and Corrective Action ¶ 24: This item states that, in 1986, VOCs were detected in two domestic wells (the landfill production well and one private well [Streeter] off-site to the south). Our records include correspondence from RWQCB which states that impacts to the very deep Streeter well that is under artesian pressure is unlikely.

Recommendation: Please confirm the presence of VOCs in the referenced Streeter well.

WDRs Groundwater Monitoring and Corrective Action ¶ 30: This paragraph states that a work plan for 'hot spot' remediation of PCE was due by 30 October 2008, however, the Discharger has not submitted the work plan. Initial correspondence from RWQCB (30 January 2008) directed us to design, install, and monitor a mechanism to treat the 'hot spot' of PCE, TCE, 1-1-DCE, Freon, and bicarbonate located at, and in the vicinity of, MW-12S. This was included under the general due date of April 14, 2008, for a Corrective Action Work Plan. A Work Plan was submitted which placed one of the extraction points near MW-12S so this item has already been addressed. In addition, the north area wells do not appear to be a consistent 'hot spot' because the 2008 results were extremely variable and need further evaluation before placing a dedicated system at a cost of potentially millions of dollars. Lastly, this may even be an offsite impact based on known groundwater flow directions and further evaluation would help clarify this.

Recommendation: Until such time that additional information can be collected for this area, it would be premature to do an Engineering Feasibility Study without having first defined the nature and extent of these possible impacts in the north area.

WDRs Groundwater Monitoring and Corrective Action ¶ 31: This paragraph correctly points out that a landfill gas and groundwater monitoring report, including analytical and test results, was due by 20 September 2008. Staff has been kept apprised, however, of the length of time it has taken to secure bids for this work because it qualifies as a "public works of improvement" project which requires a more lengthy, formal process before work can commence. The contract was (finally) signed just before the Christmas holiday but the successful contractor failed to have the document notarized which caused additional delay. Drilling was scheduled to begin during the week of 23 February 2009, however, the contractor notified this Department on 19 February 2009, of six potential contract amendments they feel differ from the engineering specifications. These issues now must be resolved before work can commence as they are not simple Work Order changes.

This paragraph also correctly points out that the groundwater monitoring well installation report for the two new wells was due by 20 September 2008. Staff was kept apprised of the difficulties we incurred with the installation of these new wells as well which, in turn, caused the report to be delayed. Specifically, the lowest bidding well driller that was first selected was unable to complete the installations even after a week-long attempt at drilling. That driller had to subsequently be fired and a second driller hired. Fortunately the second attempt was successful and the installations were completed in mid-November 2008. The well installation report was completed and submitted as Appendix J in the Annual Report of 15 January 2009.

Recommendation: Acknowledge within this paragraph that a signed contract is in place for the expansion of the LFG extraction and treatment system, connecting 10 new wells to the existing flare. Additionally, remove the reference to the Discharger not submitting the well installation report.

WDRs Groundwater Monitoring and Corrective Action ¶ 35: This paragraph states that an Engineering Feasibility Study was due by 30 January 2009, however, staff granted an extension to February 13, 2009.

Recommendation: This item has been completed and should be removed from the WDRs.

WDRs Groundwater Monitoring and Corrective Action ¶ 36: This paragraph reiterates a 31 March 2009 due date for a Corrective Action Plan for installation of the approved selected remedy for the treatment, removal, and mitigation of VOCs from groundwater. Assuming we are able to resolve the contract amendments for the installation of the 10 additional LFG extraction wells in a timely manner, a Plan *may* be able to be completed by 31 March 2009, but for this component of correction action only. Before a Plan can be prepared for the proposed groundwater corrective action, the County would need concurrence from the RWQCB on the remedies presented in the Engineering Feasibility Study (EFS) submitted on 13 February 2009.

Recommendation: Revise the due date to one that reasonably post-dates RWQCB concurrence with the EFS.

WDRs Groundwater Monitoring and Corrective Action ¶ 37: This paragraph reiterates a 29 July 2009 due date for a Operation and Maintenance Plan for the LFG system and the approved selected remedy, and a 30 October 2009, due date for the Construction Report to verify completion of construction for the approved selected remedy. These dates are reasonable for the LFG expansion corrective action, but are unreasonable for the proposed groundwater corrective action. After the County receives concurrence from the RWQCB on the remedies presented in EFS, the selected groundwater remedy must still be tested, designed, and constructed. Six months from the planned adoption of the WDRs is insufficient time to complete these tasks.

Recommendation: Revise the due date to one that parallels the schedule proposed in the EFS.

WDRs Groundwater Monitoring and Corrective Action ¶ 38: This paragraph states that we have been required to submit historical analytical data annually in an electronic file format (.xls) but that no historical data has been submitted since the 2005 annual monitoring report. All historic VOC data for which a functioning database exists has been restored and submitted as required. Some data prior to late 2006 when the County changed engineering consultants was corrupted and, therefore, not reproducible.

Recommendation: This item has been completed and should be removed from the WDRs.

WDRs Financial Assurances ¶ 40: This paragraph requires a cost estimate and the establishment of financial assurances for corrective action of all known or reasonably foreseeable releases at the landfill. Financial assurances have already been established with the CIWMB.

Recommendation: Clarify whether you are requesting an update of cost estimates and, if so, subsequent verification that adequate financial assurances for corrective action are still in place.

WDRs Provisions ¶ 12: This section outlines a time schedule for various tasks for which we have the following comments: a) 30 April 2009 cost estimates and financial assurances mechanism: this is a new requirement and a due date that more reasonably post-dates the tentative approval date for the WDRs should be established; b) 30 May 2009 electronic historical data: this requirement has already been met and should be removed; c) 30 May 2009 EFS for PCE 'hot spots' in groundwater: only one potential 'hot spot' (singular) is noted in RWQCB correspondence of 30 January 2008. Given this, the need for this should be established prior to the requirement of an EFS, therefore, this item should be removed; d) 30 June 2009 Sample Collection and Analysis Plan: no comment; e) 29 July 2009 O&M Plan for the LFG and VOC groundwater remedy: this can be done for LFG only. Please see comment #37; f) 28 August 2009 CIWMB correspondence regarding financial assurances: this due date should be adjusted in a similar manner to item (a); g) 30 October 2009 Construction Report: same comment as in item (e); h) 31 January 2010 GeoTracker database information: this requirement was met in advance of being requested to do so and will continue annually hereafter.

Recommendation: As noted above.

MRP WQPS and Compliance Period, ¶ 5. Monitoring Points: This section lists two monitoring points, referred to as the "Streeter wells," and "Pinewood Meadows Mobile Home Park." The County has historically been able to test one (1) well on the Streeter property at the request of the RWQCB because access to date has been granted voluntarily. The County also used to voluntarily sample the wells at Pinewood Meadows, but this was stopped by the owner. Since the County does not own these properties, it cannot guarantee sampling on an ongoing basis. The County cannot agree to establishing these locations as permanent monitoring points because it has no guaranteed access to do so.

Recommendation: Remove the Streeter and Pinewood Mobile Home Park locations as monitoring points.

MRP Table II: This Table includes VOC testing by method TO-15 which may be a significant change because it is unclear to the County where the TO tests would be performed. The perimeter probes at this landfill have no methane detected, therefore, there is no need to test individual gas probes.

Recommendation: Please clarify the point of testing for TO-15. Testing of the LFG incoming to the flare system would be appropriate and acceptable.

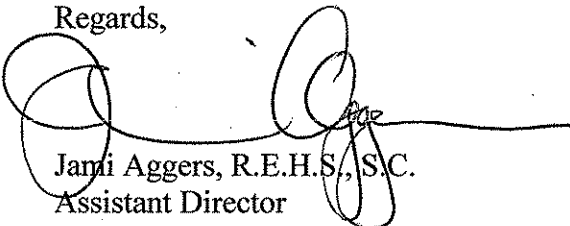
SUMMARY

In summary, the County is at a critical juncture with respect to selecting and implementing corrective actions having just submitted an Engineering Feasibility Study to RWQCB staff for consideration 10 days prior to the due date for comments on these Tentative WDRs. Given this, the County strongly urges that the adoption of the new WDRs for Geer Road Landfill be delayed until the EFS is approved by RWQCB staff and a reasonable schedule can be worked out jointly.

Several of the deadlines proposed in the Tentative WDRs appear to be impossible to meet and they significantly differ from that which has been proposed in the EFS. As the Discharger, the County cannot agree to deadlines within the WDRs that it knows it cannot meet because this would immediately place the organization in a position of non-compliance. If we are unable to negotiate deadlines that are attainable, the County will have no option but to request stating its position before the Board.

County staff and our consultant are willing to meet with RWQCB staff at any mutually agreeable time to discuss the concerns listed herein, particularly the timelines that are laid out and the newly added testing and off-site groundwater monitoring points. Thank you again for the opportunity to comment on the Tentative WDRs/MRP. Do not hesitate to contact me if you have questions. My direct line telephone number is (209) 525-6768.

Regards,



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